

will prevent this type of injustice from ever happening again in the future.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE DEVASTATING ESPERANZA INCIDENT FIRE IN SOUTHERN CALIFORNIA IN OCTOBER 2006

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas, in late October 2006, the mountain communities west of Palm Springs, California were struck by a vast wildfire, which came to be known as the Esperanza Incident and which authorities believe was started by an arsonist;

Whereas the Esperanza Incident fire tragically claimed lives, homes and other buildings, and more than 40,000 acres of terrain;

Whereas nearly 3,000 firefighters from dozens of fire crews courageously battled the fast-spreading blaze, which was fanned by Santa Ana wind gusts up to 60 miles per hour;

Whereas 4 firefighters—Mark Loutzenhiser, Jess McLean, Jason McKay, and Daniel Hoover-Najera—made the ultimate sacrifice by giving their lives when flames overtook them as they tried to protect a home;

Whereas an additional firefighter, Pablo Cerda, joined them in that sacrifice when he too lost his life, after fighting to survive for 6 days in a hospital before succumbing to burns he had received fighting alongside his fallen colleagues;

Whereas firefighters honored the spirit of their fallen colleagues by completing the job they started and controlling the blaze, even while recognizing considerable danger to their own well-being;

Whereas skilled and courageous aircraft personnel and additional emergency personnel, including law enforcement and medical personnel, also responded to the threat posed by the fire; and

Whereas law enforcement personnel are aggressively pursuing the conviction of the arsonist, and generous Californians have offered additional funds, on top of those offered by the Riverside County Board of Supervisors, to help bring the arsonist to justice: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors—

(A) all of the firefighters who responded to the devastating Esperanza Incident fire in southern California in October 2006; and

(B) all others, including emergency, law enforcement, and medical personnel and aircraft crews, who contributed to controlling the fire, keeping Californians safe, and finding and arresting the suspected arsonist; and

(2) commends the firefighters and other personnel who responded to the fire for dedicated service to the people of California.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5149. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural De-

velopment, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5150. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5151. Mr. VITTER (for himself, Mr. NELSON, of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5152. Mr. VITTER (for himself, Mr. NELSON, of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5155. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5156. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5157. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5166. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5167. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 7 and 8 and insert the following: “the purchase of land and moving of utilities;

(6) the Town of Boone, North Carolina, a rural area for purposes of eligibility for Rural Utilities Service water and waste water loans and grants; and

(7) the Cities of Alamo, Mercedes, Weslaco, and

SA 5150. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SA 5151. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355).

SA 5152. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355): *Provided*, That this section shall apply only to a personal-use quantity of the prescription drug,

TEXT OF AMENDMENTS

SA 5149. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food

not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 5153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the World Food Prize, and the total amount made available in this Act is reduced by \$350,000.

SA 5154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Population Management Center, and the total amount made available in this act is reduced by \$200,000.

SA 5155. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Alternative salmon products, and the total amount made available in this Act is reduced by \$1,088,000.

SA 5156. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for goose control in the State of New York, and the total amount made available in this Act is reduced by \$194,000.

SA 5157. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the National Wild Turkey Federation, and the total amount made available in this Act is reduced by \$232,000.

SA 5158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for a Lettuce Geneticist/Breeder, and the total amount made available in this Act is reduced by \$36,276.

SA 5159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Seafood Waste, and the total amount made available in this Act is reduced by \$160,000.

SA 5160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the planning and design of the Biotechnology Laboratory in West Virginia, and the total amount made available in this Act is reduced by \$2,500,000.

SA 5161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Montana Sheep Institute, and the total amount made available in this Act is reduced by \$591,000.

SA 5162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Termite Species in Hawaii, and the total amount made available in this Act is reduced by \$150,000.

SA 5163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) In this section, the term "earmark" means a provision of law, or a directive contained in a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies—

(1) the identity of an entity, program, project, or service to receive assistance not authorized in the provision or directive; and

(2) the amount of the assistance to be received.

(b) The Secretary of Agriculture shall submit to Congress, and make available to the public on the Internet website of the Department of Agriculture, the following information:

(1) A description of each earmark made available to the Department of Agriculture by this Act, including—

(A) the location (by city, State, country, and congressional district, as the Secretary determines to be relevant) at which the earmarked funds will be used;

(B) the purpose of the earmark (if known); and

(C) the recipient of the earmark.

(2) The total cost of administering each earmark made available to the Department of Agriculture by this Act, including—

(A) the amount of the earmark;

(B) the cost of compensating applicable personnel;

(C) administrative expenses; and

(D) any other applicable costs.

(3) The total cost of administering all earmarks made available to the Department of Agriculture by this Act.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department of Agriculture, in accordance with a rating system as follows:

(A) An assessment of "A" for an earmark that directly advances the primary goals of the Department (including any agency, element, or component of the Department).

(B) An assessment of "B" for an earmark that advances many of the primary goals of the Department (including any agency, element, or component of the Department).

(C) An assessment of "C" for an earmark that may advance some of the primary goals

of the Department (including any agency, element, or component of the Department).

(D) An assessment of "D" for an earmark that is not demonstrated to be cost-effective in advancing the primary goals of the Department (including any agency, element, or component of the Department).

(E) An assessment of "F" for an earmark that distracts from or otherwise impedes the capacity of the Department to meet the primary goals of the Department.

SA 5164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. Any limitation, directive, or earmark contained in the House of Representatives or Senate report accompanying this Act shall be included in the conference report or joint statement accompanying this Act in order to be considered as having been approved by both Houses of Congress.

SA 5165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 4, before the period insert "*Provided further*, That, notwithstanding any other provision of this Act, no loan guaranteed under this heading shall be used to construct, improve, renovate, expand, or otherwise develop a golf course".

SA 5166. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) Each report described in subsection (b) shall be posted on the Internet website of the Department of Agriculture for the public not later than 48 hours after the submission of the report to Congress.

(b) The reports described in this subsection are the following:

(1) Each report required by a provision of this Act to be submitted by the Secretary of Agriculture to the Committees on Appropriations of the Senate and the House of Representatives.

(2) Any report required to be submitted by the Secretary of Agriculture to Congress in support of the budget of the President for fiscal year 2008 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for the Department of Agriculture, including any budget justification documents in support of such budget for the Department of Agriculture.

(c) In posting a report on the Internet website of the Department of Agriculture under subsection (a), the Secretary of Agri-

culture may redact any information the release of which to the public would, as determined by the Secretary, compromise the national security of the United States.

SA 5167. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 10, before the semicolon insert ", of which not less than \$351,939 shall be for early disease identification, comprehensive composting for cull disposal, and potato late blight research activities in the State of Maine".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2006, at 11:30 a.m. and 2:30 p.m., to receive testimony on the current situation and U.S. military operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McDEMINT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 15 at 2:30 p.m. The purpose of this hearing is to receive testimony on the December 2005 report from the President's Task Force on Puerto Rico's Status.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DEMINT. Mr. President, I ask unanimous consent that on Wednesday, November 15, 2006, following the first vote of the day, the Committee on Environment and Public Works be authorized to hold a business meeting to consider the following agenda: Alex Beehler to be Inspector General of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, November 15, 2006 at 3 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Joel

Rubin, a congressional fellow in my office, be granted the privileges of the floor for the duration of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Jonathan Epstein, a fellow from his office, be granted the privilege of the floor during the pendency of S. 3709, H.R. 5682, and any roll-call votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5385

Mr. McCONNELL. Mr. President, notwithstanding passage of H.R. 5385, I ask unanimous consent that the Akaka amendment No. 5128 and Reed amendment No. 5125 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 5125, AS MODIFIED

(Purpose: To provide that, of the amount appropriated or otherwise made available for Military Construction, Navy and Marine Corps, \$3,410,000 shall be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island, and to provide an offset)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island" is hereby increased by \$3,410,000.

(b) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Hazardous Material Storage Facility, Naval Station Newport, Rhode Island" is hereby reduced by \$3,410,000.

AMENDMENT NO. 5128, AS FURTHER MODIFIED

(Purpose: To propose a substitute)

At the end of title II, add the following:

SEC. _____. Of the amount appropriated by this title under the heading "VETERANS HEALTH ADMINISTRATION", up to \$1,000,000 shall be available for the Office of Inspector General.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leaders of the Senate and House of Representatives, pursuant to Public Law 109-236, appoints Thomas P. Mucho, of Pennsylvania, to serve as a member of the MINER Act Technical Study Panel.

MEASURE PLACED ON THE CALENDAR—S. 4051

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: